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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,474	02/03/2006	Andreas Michl	01012-1038	9387

30671 7590 01/29/2010
DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

LEE, JAE YOUNG

ART UNIT	PAPER NUMBER
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2466

NOTIFICATION DATE	DELIVERY MODE
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01/29/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/567,474	Applicant(s) MICHL, ANDREAS	
	Examiner JAE Y. LEE	Art Unit 2466	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2466

/Jae Y Lee/
Examiner, Art Unit 2466

Continuation of 11. does NOT place the application in condition for allowance because: On page 10 of the applicant's argument, the applicant argues that Ennis does not teach "selecting a marking on the second display area based on an additional feature to read in another sequence of messages that corresponds to the marking.

However, Pruthi teaches TCP flow information including start/stop time, original host, original port, original bytes, term host, term port, term bytes, RTT, response, rexmit bytes (Fig. 17), TCP level Bit Rate, TCP Level Packet Rate, TCP Level Counts, TCP Level Counts by Source, Statistics (Fig. 20), statistics in memory (paragraph 0036 lines 13-16), providing the statistics to display device (paragraph 0037 lines 8-11). The first characteristic feature is equivalent to TCP level bit rate while the additional information is equivalent to the statistics. By referring to Fig. 28, the statics includes totoal number of bytes, verage rate in Bits/Sec, Maximum packet size. etc. Although Fig. 20 teaches UDP information, same information can be provided to TCP flow by clicking "statistics" button on the screen. Ennis teaches a pointer is manipulable via mouse along the bar graph horizontal axis to select a particular fifteen minute interval for which a corresponding pie chart 84,86 is generated and the pie chart is displayed directly below the bar graph from which the fifteen minute interval is selected, and includes a label indicating the actual time of day the selected interval represents (Fig. 11; col 15 lines 7-14), probe, RAM (Fig. 3), console retrieves the appropriate probe data from the short term database table (col 15 lines 36: 45). Ennis is cited to show the sequence of messages which indicates utilization during certain period of time within a additional section of the same window display, at a specific point of cursor. Therefore, it is obvious to show statistics during a period of time by selecting a specific point of cursor on TCP level bit rate plot instead of using statistics button by Pruthi and Bahadiroglu in combination with Ennis in order to displaying information, such as the statistics, on a display devices by using various charts e.g. plot, histogram, and pie.